

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Lamont Cutner,	)	C/A No.: 6:12-cv-02544-GRA-KFM
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	(Written Opinion)
Ofc. Michael Marshal, Ofc. K. Harrington,	)	
and Wilson Simmons,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court for review of United States Magistrate Judge Kevin F. McDonald's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(d) of the District of South Carolina, and filed on February 20, 2013. ECF No. 56. On September 6, 2012, Plaintiff Lamont Cutner ("Plaintiff") brought this claim pursuant to 42 U.S.C. § 1983. ECF No. 1. Plaintiff has filed two motions for default judgment. ECF Nos. 39 & 50. The Court denied Plaintiff's first motion for default judgment on March 8, 2013. ECF No. 61. Plaintiff filed a second motion for default judgment on February 14, 2013. ECF No. 50. In the motion, Plaintiff argues that the Court should grant default judgment against Defendants Ofc. Michael Marshal, Ofc. K. Harrington, and Wilson Simmons ("Defendants"), because Defendants have failed to timely respond to Plaintiff's discovery requests. The Magistrate Judge recommends that Plaintiff's motion for default judgment be denied. Report and Recommendation, ECF No. 56.

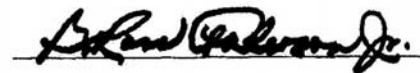
The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71

(1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* "The failure to file objections to the report and recommendation waives any further right to appeal." *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987); see *Carter v. Pritchard*, 34 F. App'x 108, 108 (4th Cir. 2002) (per curiam). Furthermore, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). In this case, objections to the Report and Recommendation were due on March 11, 2013. Neither Plaintiff nor Defendant has filed objections to the Report, and the time to object has passed.

After a review of the record, this Court finds that the Magistrate Judge's Report and Recommendation accurately summarizes the case and the applicable law. Accordingly, for the reasons articulated by the Magistrate Judge, the Report and Recommendation is accepted and adopted in its entirety.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Default Judgment is DENIED.

**IT IS SO ORDERED.**



G. Ross Anderson, Jr.  
Senior United States District Judge

March 13, 2013  
Anderson, South Carolina